

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal Action No. 05-54-KAJ
)	
ERIC DAVIS,)	
)	
Defendant.)	

JOINT MOTION FOR CONTINUANCE

The parties, by and through their undersigned counsel, make a joint request that the Court continue the trial, scheduled for May 16, 2006. In support of this joint motion, the parties state the following:

1. By Order of February 8, 2006, the Court scheduled a two day jury trial to commence on May 16, 2006. The Indictment charges drug related offenses.
2. The defendant has entered into a plea agreement with the U.S. Attorney's Office for the Eastern District of Virginia to waive indictment in that district and enter a guilty plea to a criminal information charging the defendant with possession of a firearm by a felon, a violation of 18 U.S.C. § 922(g)(1). The defendant and his counsel, Christopher Koyste, Esquire, have executed a Memorandum of Plea Agreement which has been forwarded to the U.S. Attorney's Office for the Eastern District of Virginia. The Assistant United States Attorney in that district is preparing the necessary paperwork to request that the U.S. Marshal Service take the defendant, who presently is detained in this district, to the Eastern District of Virginia so that the firearm related guilty plea may

be entered in that district. The plea agreement regarding the firearm offense provides that in return for the defendant's guilty plea to the firearms offense in the Eastern District of Virginia, the U.S. Attorney's Office for the District of Delaware will file a motion to dismiss the drug indictment.

3. The parties are prepared to provide the Court with monthly status reports concerning the progress of the execution of the defendant's Memorandum of Plea Agreement in the Eastern District of Virginia.

4. The Speedy Trial Act provides that the Court may exclude time under the Act for "delay resulting from consideration by the court of a proposed plea agreement to be entered into by the defendant and the attorney for the Government. . . ." 18 U.S.C. § 3161(h)(1)(I). The Act also provides that the judge may exclude time under the Act "on the basis of his findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." 18 U.S.C. § 3161(h)(8)(A).

WHEREFORE, the parties respectfully request that the trial, scheduled to commence on May 16, 2006, be continued pending the defendant's guilty plea in the Eastern District of Virginia, and that the Court exclude the relevant period of delay under the Speedy Trial Act, 18 U.S.C. § 3161, *et seq.*

COLM F. CONNOLLY
United States Attorney

/s/ Christopher Koyste
Christopher Koyste, Esquire
Attorney for Defendant

By: /s/ Edmond Falgowski
Edmond Falgowski
Assistant United States Attorney

Dated: 5/09/06

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ORDER

WHEREAS, the Court has scheduled trial to commence on May 16, 2006; and

WHEREAS, the parties have made a joint request for a continuance pending the execution of a Memorandum of Plea Agreement entered into by the defendant and the U.S. Attorney's Office for the Eastern District of Virginia; and

WHEREAS, it is a condition of the that guilty plea that the U.S. Attorney's Office for the District of Delaware will file a motion to dismiss the indictment in the District of Delaware; and

WHEREAS, under the Speedy Trial Act the parties waive the relevant period of delay,

IT IS ORDERED this _____ day of _____, 2006, that the trial scheduled for May 16, 2006, is continued; and

IT IS FURTHER ORDERED that the parties will provide the Court with monthly status reports commencing no later than 30 days from the date of this Order; and

IT IS FURTHER ORDERED, pursuant to 18 U.S.C. § 3161(h)(1)(I) and (h)(8)(A), the delay resulting from this Order is excludable in computing the time within which the defendant's trial must be commenced under the Speedy Trial Act.

Honorable Kent A. Jordan
United States District Court